

19-968 UZUEGBUNAM V. PRECZEWSKI

DECISION BELOW: 781 Fed.Appx. 824

LOWER COURT CASE NUMBER: 18-12676

QUESTION PRESENTED:

While a student at Georgia Gwinnett College, Petitioner Chike Uzuegbunam began distributing religious literature on campus. College officials stopped him because he was outside the 0.0015% of campus where "free speech expression" was allowed. When Chike reserved a free speech space and again tried to evangelize, officials stopped him because someone complained which, under College policy, converted Chike's speech to "disorderly conduct" (i .e., "disturb[ing] the peace and/or comfort of person(s)"). Facing discipline if he continued, Chike sued. Another student, Petitioner Joseph Bradford, self-censored after hearing how officials mistreated Chike.

Chike and Joseph raised constitutional claims against Respondents' enforcement of their policies, seeking damages and prospective equitable relief to remedy the censorship and chill. After Respondents changed their speech policies post-filing, mooting all equitable claims, the lower courts held that Chike and Joseph did not adequately plead compensatory damages, and their nominal-damages claims were moot.

Six circuit s hold that a government's policy change does not moot nominal-damages claims. Two circuits hold such claims moot if the government changes a policy it has never enforced against the plaintiff. The Eleventh Circuit alone holds that, absent compensatory damages, government officials are never liable for violating constitutional rights if they change their policy after being sued. The question presented is:

Whether a government's post-filing change of an unconstitutional policy moots nominal-damages claims that vindicate the government's past, completed violation of a plaintiffs constitutional right.

CERT. GRANTED 7/9/2020